IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 26837 of 2007(T)

PETITIONER:

P.BABU, AGED 52 YEARS, S/O.BALAN NAIR,
FOOD INSPECTOR, KOZHIKODE CORPORATION
KOZHIKODE - 4.
RESIDING AT "SREE", THIRUTHIYAD,
KOZHIKODE - 4.

BY ADV. SRI.P.V.MOHANAN

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
HEALTH SERVICE DEPARTMENT,
TRIVANDRUM.

2. DIRECTOR OF URBAN AFFAIRS,
TRIVANDRUM.

3. DIRECTOR OF HEALTH SERVICES,
TRIVANDRUML.

4. THE SECRETARY,
KOZHIKODE MUNICIPAL CORPORATION
KOZHIKODE.

BY G.P.SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI, J.

W.P.(C).NO.26837 OF 2007-T

Dated this the 7th day of December, 2007.

JUDGMENT

Petitioner is A Food Inspector in Kozhikode Corporation. He is aggrieved by the fact that he is asked to discharge the functions of the Food Inspector in the Kalpetta municipality vide Ext.P10 notification. According to him, this has been issued without any authority, by the Secretary of the Kozhikode Corporation.

2. In a statement filed on behalf of the Secretary of the Corporation, it is made clear that the Corporation was only following the directions issued by the Director of Health Services. Reference in this regard is made to Ext.R4(b).

3. The learned counsel for the petitioner, Sri.P.V.Mohanan, submits that in the light of Exts.P1 and P2 statutory notifications, the area of operation of Food Inspector in Kozhikode Corporation is within the Corporation of Kozhikode itself and it is only the Government which can enlarge the local area (within the meaning of the notification) in so far as the Food Inspector in Kozhikode Corporation is concerned.

Having heard the learned counsel for the petitioner and learned Standing Counsel for the Corporation and also the learned Government Pleader, this writ petition is disposed of directing the Government to look into the petitioner's objections. The 3rd respondent shall forward Ext.P12 to the 1st respondent within a period of one month from the date of receipt of a copy of this judgment. Thereupon, the 1st respondent shall, after hearing the petitioner and the Secretary or a representative of the Corporation, take a decision in accordance with law and if necessary an addendum notification may also be issued.

V. GIRI, JUDGE.

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